

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNILOC USA, INC., et al.,  
Plaintiffs,  
v.  
APPLE, INC.,  
Defendant.

Case No. [18-cv-00358-WHA](#) (DMR)

**ORDER FOLLOWING SECOND IN  
CAMERA REVIEW**

Re: Dkt. No. 160

At an August 13, 2020 discovery hearing, the court ordered third party Fortress Credit Corp. (“Fortress”) to produce a May 6, 2017 investment memorandum to Defendant Apple Inc. (“Apple”). [Docket No. 153.] The court instructed Fortress to leave certain portions unredacted and to provide a privilege log if it made redactions to the remaining portions. In the event of a dispute, Fortress was ordered to lodge the unredacted document and privilege log for in camera review. Fortress timely lodged the document and a privilege log in which it asserted the attorney-client privilege over the redacted material. Following in camera review, the court concluded that Fortress had “improperly redacted factual material” that was not covered by the attorney-client privilege while allowing certain redactions based on relevance. [Docket No. 160.] The court ordered Fortress to review the redactions based on the attorney-client privilege in light of applicable legal authority. If Fortress determined that it properly asserted the attorney-client privilege, the court ordered Fortress to relodge its narrowly-tailored redactions by October 14, 2020 for in camera review, “along with a sworn declaration(s) with specific evidence to support each assertion of attorney-client privilege, going redaction-by-redaction.” *Id.* at 4.

Fortress timely lodged its revised redactions and a supporting declaration by Erik Chancellor Smith, Fortress’s in-house counsel. Having reviewed the redactions and Smith’s declaration, the court concludes that Fortress has properly asserted the attorney-client privilege

over the revised redactions on pages 4, 9, 10, and 11 of the memorandum. Accordingly, Fortress shall produce the October 14, 2020 version of the redactions to Apple by no later than October 28, 2020. By the same date, Fortress shall e-file the October 14, 2020 Smith declaration so that it is part of the record in this case.

**IT IS SO ORDERED.**

Dated: October 27, 2020



United States District Court  
Northern District of California